

Hearing Date and Time: November 16, 2023 at 1:00 p.m. (ET)

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b>  <b>SHERMAN, SILVERSTEIN, KOHL, ROSE &amp; PODOLSKY, P.A.</b> Arthur J. Abramowitz Ross J. Switkes 308 Harper Drive, Suite 200 Moorestown, New Jersey 08057 Telephone: (856) 662-0700 Email: aabramowitz@shermansilverstein.com rswitkes@shermansilverstein.com  <i>Proposed Local Counsel to the Official Committee of Tort Claimants</i>	<b>AKIN GUMP STRAUSS HAUER &amp; FELD LLP</b> Arik Preis ( <i>pro hac vice</i> pending) Mitchell P. Hurley ( <i>pro hac vice</i> pending) Theodore James Salwen ( <i>pro hac vice</i> pending) Brooks Barker ( <i>pro hac vice</i> pending) One Bryant Park New York, New York 10036 Telephone: (212) 872-1000 Email: apreis@akingump.com mhurley@akingump.com jsalwen@akingump.com bbarker@akingump.com  and  Kate Doorley ( <i>pro hac vice</i> pending) Robert S. Strauss Tower 2001 K Street, N.W. Washington, D.C. 20006 Tel: (202) 887-4000 Email: kdoorley@akingump.com  <i>Proposed Lead Counsel to the Official Committee of Tort Claimants</i>
In re:  RITE AID CORPORATION, <i>et. al.</i> ,  <div style="text-align: right;">Debtors.<sup>1</sup></div>	Case No. 23-18993 (MBK)  Chapter 11  Honorable Michael B. Kaplan, U.S.B.J., Chief  (Jointly Administered) Re: [ECF Nos. 137, 217, 307, 308, 309, 310, 334, 472, 515]

**STATEMENT OF THE OFFICIAL COMMITTEE OF TORT  
CLAIMANTS IN SUPPORT OF DEBTORS' OMNIBUS OBJECTION  
TO MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY**

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<sup>1</sup> The last four digits of Debtor Rite Aid Corporation's tax identification number are 4034. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/RiteAid>. The location of Debtor Rite Aid Corporation's principal place of business and the Debtors' service address in these chapter 11 cases is 1200 Intrepid Avenue, 2nd Floor, Philadelphia, Pennsylvania 19112.

The Official Committee of Tort Claimants (the “TCC”)<sup>2</sup> appointed in the chapter 11 cases (the “Chapter 11 Cases”) of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), by and through its undersigned proposed counsel, hereby files this statement (the “Statement”) in support of the relief requested in the *Debtors’ Omnibus Objection to Motions for Relief from the Automatic Stay*, dated November 9, 2023 [ECF No. 550] (the “Objection”), and respectfully requests that the Court deny the motions for relief from the automatic stay filed by Nora Prelvukaj [ECF Nos. 137, 515], Mary Ellen Smutek [ECF No. 217], Brown and Erika Brown [ECF No. 307], Cheron Walker [ECF No. 308], Jean Kamara [ECF No. 309], Vanessa Waters and Derek Waters [ECF No. 310], Kimberly Pastor [ECF No. 334] and Margaret Small [ECF No. 472] (collectively, the “Motions” and the “Movants”). In support of this Statement, the TCC states as follows.

### **STATEMENT**

1. The TCC is sympathetic to the position of the Movants; however, as the fiduciary for all holders of tort claims arising from harm suffered due to the Debtors’ conduct and/or the products the Debtors sell and distribute, the TCC must oppose the relief requested in the Motions. One of the TCC’s functions in its capacity as a fiduciary for all holders of tort claims is to maximize the consideration available for such claimants. The TCC recognizes that every single such claimant seeks a share of the funds available in the Chapter 11 Cases, including the potential proceeds from the Debtors’ insurance policies. The Movants are but a few among thousands of other plaintiffs (and likely tens or hundreds of thousands of claimants). Allowing a few claimants to jump ahead of all others and potentially prompt a “race to the courthouse” would be both unfair

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<sup>2</sup> The TCC was appointed on November 1, 2023 by the Office of the United States Trustee for Regions 3 and 9, and currently comprises the following entities and persons: (i) Sandra Blankenship; (ii) Blue Cross and Blue Shield Association; (iii) Alphonse Borkowski; (iv) Erie County Medical Center Corporation; (v) Michael Masiowski, M.D.; (vi) Andrew Parsons; (vii) Karen Pforr; (viii) Rita Valega; and (viii) Nancy Zailo.

and inappropriate at this time. Accordingly, the TCC supports the Debtors' requested relief that this Court enter an order denying the Motions.

**RESERVATION OF RIGHTS**

2. The TCC reserves all rights with respect to the Motions and the Objection (and the items discussed in both pleadings), including the right to amend or supplement this Statement, submit additional briefing, participate in any discovery and be heard at any hearing related to the Motions and the Objection. Nothing contained herein shall constitute a waiver of any of the rights or remedies of the TCC, each of which is expressly reserved.

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Dated: November 9, 2023

Respectfully submitted

By: /s/ Arthur J. Abramowitz

**SHERMAN, SILVERSTEIN,  
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